



Order Filed on June 24, 2022
by Clerk
U.S. Bankruptcy Court
District of New Jersey

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

Caption in Compliance with D.N.J. LBR 9004-1(b)

Schiller, Knapp, Lefkowitz & Hertz, LLP

716 Newman Springs Road Suite 372

Lincroft, NJ 07738

(551) 280-9780

Richard A. Gerbino, Esq. (ID # 057351993)

Attorneys for U.S. Bank Trust National Association,
not in its individual capacity but solely as owner trustee
for RCF 2 Acquisition Trust c/o U.S. Bank Trust
National Association

In Re:

ELIZABETH C BROWN
RUSSELL E BROWN,

Debtors.

Case No.: 18-18714-MBK

Judge: Hon. Michael B. Kaplan

Hearing Date(s): _____

Chapter: 13

Recommended Local Form

☒ Followed

☐ Modified

**ORDER RESOLVING MOTION TO VACATE STAY
AND/OR MOTION TO DISMISS
WITH CONDITIONS**

The relief set forth on the following pages, numbered two (2) through four (4) is **ORDERED**.

DATED: June 24, 2022

A handwritten signature of Michael B. Kaplan in black ink, written over a horizontal line.

Honorable Michael B. Kaplan
United States Bankruptcy Judge

Applicant: U.S. Bank Trust National Association, not in its individual capacity but
solely as owner trustee for RCF 2 Acquisition Trust c/o U.S. Bank Trust
National Association
Applicant's Counsel: Schiller, Knapp, Lefkowitz & Hertz, LLP
Debtors' Counsel: Daniel E Straffi, Esq.
Property Involved ("Collateral"): 76 Wave Street, Beachwood, NJ 08722
Relief sought: ☒ Motion for relief from the automatic stay
☐ Motion to dismiss
☐ Motion for prospective relief to prevent imposition of automatic stay
against the collateral by debtors' future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- ☒ The Debtors are overdue for one month, June 1, 2022 post-petition Payment.
- ☒ The Debtors are overdue for two payment at \$1,717.64 per month with \$845.06 in suspense

☐ The Debtors are assessed for ____ late charges at \$_____ per month.

☒ Applicant acknowledges receipt of funds in the amount of \$ 8,588.20 received after the motion was filed.

Total Arrearages Due \$2,590.22.

2. Debtors must cure all post-petition arrearages, as follows:

☒ Immediate payment shall be made in the amount of \$845.06. Payment shall be made no later than February 15, 2022.

☒ Beginning on February 1, 2022, regular monthly mortgage payments shall continue to be made in the amount of \$1,717.64.

☐ Beginning on _____, additional monthly cure payments shall be made in the amount of \$_____ for _two months.

☐ The amount of \$_____ shall be capitalized in the debtors' Chapter 13 plan. The debtors' monthly payment to the Chapter 13 Trustee is modified to be \$_____ per month.

3. Payments to the Secured Creditor shall be made to the following address(es):

☐ Immediate payment: _____

X Regular monthly payment: Selene Finance LP – Attention BK Dept
9990 Richmond Avenue, Suite 400 South
Houston, Texas 77042

X Monthly cure payment: Selene Finance LP – Attention BK Dept
9990 Richmond Avenue, Suite 400 South
Houston, Texas 77042

4. In the event of Default:

X If the Debtors fail to make the immediate payment specified above or fails to make any regular monthly payment or the additional monthly cure payment within thirty (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtors' failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and the Debtors' attorney.

☐ If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its Collateral without further Order of the Court.

5. Award of Attorneys' Fees:

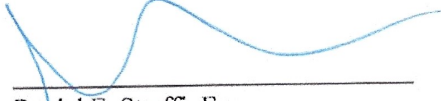
X The Applicant is awarded attorney's fees of \$350.00, and costs of \$188.00.

The fees and costs are payable:

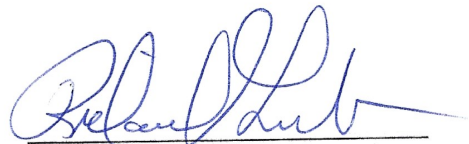
X through the Chapter 13 plan.

☐ to the Secured Creditor within _____ days.

☐ Attorneys' fees are not awarded.



Daniel E. Straffi, Esq.
Attorney for Debtor



Richard Gerbino, Esq.
Attorney for Creditor

In re:
Elizabeth C. Brown
Russell E. Brown
Debtors

Case No. 18-18714-MBK
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3
Date Rcvd: Jun 24, 2022

User: admin
Form ID: pdf903

Page 1 of 2
Total Noticed: 1

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 26, 2022:

Recip ID	Recipient Name and Address
db/jdb	Elizabeth C. Brown, Russell E. Brown, 76 Wave St, Beachwood, NJ 08722-2738

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 26, 2022

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 24, 2022 at the address(es) listed below:

Name	Email Address
Albert Russo	docs@russotrustee.com
Craig Scott Keiser	on behalf of Creditor PNC BANK N.A. craig.keiser@law.njoag.gov
Daniel E. Straffi	on behalf of Debtor Elizabeth C. Brown bktrustee@straffilaw.com G25938@notify.cincompass.com;bktrustee@straffilaw.com
Daniel E. Straffi	on behalf of Joint Debtor Russell E. Brown bktrustee@straffilaw.com G25938@notify.cincompass.com;bktrustee@straffilaw.com
Denise E. Carlon	on behalf of Creditor PNC BANK N.A. dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Harold N. Kaplan	on behalf of Creditor U.S. Bank Trust National Association hkaplan@rasnj.com informationathnk@aol.com
Joseph Gunnar Devine, Jr	on behalf of Creditor Bayview Loan Servicing LLC jdevine@tmppllc.com, kcollins@schillerknapp.com;lgadomski@schillerknapp.com

District/off: 0312-3

User: admin

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Date Rcvd: Jun 24, 2022

Form ID: pdf903

Total Noticed: 1

Kevin Gordon McDonald

on behalf of Creditor Federal Home Loan Mortgage Corporation kmcdonald@kmlawgroup.com bkgroup@kmlawgroup.com

Richard Gerbino

on behalf of Creditor U.S. Bank Trust National Association rgerbino@schillerknapp.com
kcollins@schillerknapp.com;lgadomski@schillerknapp.com

Richard Gerbino

on behalf of Creditor Community Loan Servicing LLC fka Bayview Loan Servicing, LLC rgerbino@schillerknapp.com,
kcollins@schillerknapp.com;lgadomski@schillerknapp.com

Richard James Tracy, III

on behalf of Creditor Bayview Loan Servicing LLC richard.tracy.iii@gmail.com,
tshariff@schillerknapp.com;kcollins@schillerknapp.com;ahight@schillerknapp.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 12